



W.P. No.8736 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 10.03.2026

DELIVERED ON : 12.03.2026

CORAM :

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P. No.8736 of 2026

and W.M.P. Nos.9411, 9415 & 9417 of 2026

M/s.Sri Vaishnavi Constructions,
Represented by its Managing Partner,
Mr.Rajesh Reddy,
8-2-594/A Road No.10, Banjara Hills,
Hyderabad - 500 034.

.. Petitioner(s)

Vs

- 1.The State of Tamil Nadu,
Represented by its Secretary
(Housing and Urban Development Department),
Fort St.George, Chennai - 600 009.
- 2.The Additional Secretary (Technical),
(Presently Dr.S.Kanchanamala),
Housing and Urban Development Department,
Fort St.George, Chennai - 600 009.
- 3.The Director of Town and Country Planning,
DTCP, CMDA Office Complex, E & C Market Road,
Virugambakkam, Koyambedu,
Chennai - 600 107.



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4.The Joint Director/ Assistant Director (i/c),
District Town and Country Planning,
District Collectorate (Additional Campus),
Block II, I Floor, Room No. 20 & 21,
Finger Post, Ooty, Nilgiris - 643 006.

5.Hubbathalai Panchayat,
Represented by The Special Officer,
Block Development Officer (VP),
Conoor Panchayat Union, Nilgiris District.

6.The President,
Hubbathalai Panchayat,
Conoor Panchayat Union,
Nilgiris District.

.. Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for records of the 2nd respondent herein in proceedings Letter No.10786629/UD-04 (L.RA.2)/2025-3 dated 26.11.2025 wherein the 2nd respondent had confirmed the locking and sealing act committed by the 5th respondent herein for the petitioner's building premises situated at Survey R.S.No.239/3 and 240/5, Hubbathalai Village, Conoor Taluk, Nilgiris District and quash the same as illegal and arbitrary and consequently, direct the 1 to 6 respondents herein to immediately remove the lock and de-seal the petitioner's above said building premises.

For Petitioner(s): Ms.R.Aparna
For Mr.G.Vijay Anand

For Respondent(s): Mr.E.Vijay Anand
Additional Government Pleader
For R1 To R6



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ORDER

(Order of the Court was made by G.ARUL MURUGAN, J.)

The writ petition is filed challenging the order dated 26.11.2025 of the 2nd respondent, whereby the appeal preferred under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as "the Act") came to be rejected.

2. According to the petitioner, the firm had purchased the property measuring an extent of 68,389.20 sq.ft. of agricultural land at Survey R.S.No.239/3 and 240/5, Hubbathalai Village, Coonoor Taluk, Nilgiris District, on 29.10.2018. In order to better utilise the property as a farmhouse, the petitioner's firm had submitted building plan application for approval in the personal names of the partners of the petitioner, seeking for approval to construct two separate residential buildings.

3. The plan was aesthetically prepared in accordance with the provisions of the Tamil Nadu Hill Area Special Building Rules, 1981, r/w Tamil Nadu District Municipalities (Hill Stations) Building Rules, 1993. Necessary approvals of all the Departments were obtained and also

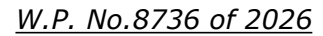


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NOC was obtained from the Tahsildar on 22.07.2021. Based on which, the 5th respondent granted building plan approval for the two buildings on 03.06.2020 and 15.12.2021, respectively. As per the approval plan, the petitioner was permitted to put up two separate residential buildings.

4. On completion of construction, completion certificate was issued by the 5th respondent on 23.08.2022. Since the houses were mostly under lock and key, the petitioner decided to connect the two houses into one unit for better utilisation and use the same commercially for homestay purposes. Necessary licences have been obtained from the Tahsildar, Coonoor on 13.12.2024 for running the homestay. A Certificate of registration for running a bed and breakfast was obtained by the petitioner on 29.12.2022 from the Department of Tourism and based on which, the residential buildings have been assessed for tax by the local body.

5. However in view of the violation, the 5th respondent issued notice for unauthorised construction on 04.03.2025 and subsequently locked and sealed the premises on 11.03.2025. The petitioner had preferred a statutory revision before the Government under Section



6. The learned counsel for the petitioner contended that the two wings have been constructed as per the approval plan and the gamation is made only through glass ceilings and temporary es, which cannot be construed as a deviation and unauthorised ruction. The petitioner is using the premises commercially as stay only by obtaining necessary permissions and licences from ompetent authorities. The proceedings initiated by the local body the impugned order rejecting the revision without considering mission granted to the petitioner is therefore illegal.

7. Per contra, the learned Additional Government Pleader for the respondents 1 to 6 on instructions, submitted that the entire proceedings in respect of the homestays have been initiated pursuant to the directions issued by a Special Bench of this Court dated 21.11.2025 in W.P.No.15120 of 2019. Moreover, when the petitioner had obtained plan approval for two separate residential farmhouses, had unauthorisedly amalgamated the buildings as single block for commercial purposes, for which appropriate action under the rules has



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been taken and the revision filed has also rightly been rejected.

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8. Heard the learned counsel on either side and perused the materials available on record.

9. Admittedly, the petitioner's firm, had purchased agricultural land and had obtained two separate building plan approvals dated 03.06.2020 and 15.12.2021, for constructing two residential farmhouses. It is not in dispute that the petitioner's firm had constructed two separate residential buildings and obtained the completion certificate from the 5th respondent Panchayat on 23.08.2022. However, the petitioner amalgamated the two separate residential buildings into a single block and also converted the residential buildings into a commercial unit, without any approval or permission from the competent authority.

10. In view of the deviations made from the approved plan and the conversion of the residential buildings into commercial unit, proceedings were initiated under the Act by the 5th respondent Panchayat by issuing notice on 04.03.2025. Ultimately the building was also locked and sealed on 11.03.2025. The statutory revision



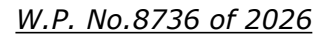
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preferred by the petitioner before the Government, came to be rejected by the impugned order dated 26.11.2025 by observing the following defects:-

"8. During the hearing the following are observed from the records:-

- (i) Revision petitioner amalgamated two separate buildings covered under two separate approvals for adjacent properties by the Panchayat, into a single block.*
- (ii) Site formed part of an unauthorized layout as informed by the official of District Town and Country Planning office, Nilgiris District.*
- (iii) Roads gifted to Local Body without any resolution of Local Body.*
- (iv) The site lies in an unapproved layout, hence it will not be considered for HACA clearance."*

11. The learned counsel for the petitioner is unable to point out any flaw or illegality in the impugned order. Moreover, no specific provision under the Act or any Rules is relied upon in support of her contention that the amalgamation of two separate residential buildings into one block and further conversion to commercial purpose is permissible.



13. Admittedly, when the petitioner had obtained building plan approval only for the purpose of putting up two separate residential buildings, amalgamating the two buildings into one block without approval from the competent authorities is in violation of the provisions of the Act. Further, when the approval was obtained for the purpose of residential house, the conversion of the residential buildings into commercial establishment is *per se* illegal. Under such circumstances, we find no error or infirmity in the order passed rejecting the statutory revision.



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14. In view of the above, this writ petition stands dismissed.

There shall be no order as to costs. Consequently, interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN, J)
12.03.2026

Index : Yes / No
Neutral Citation : Yes/ No
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To:

- 1.The State of Tamil Nadu,
Represented by its Secretary
(Housing and Urban Development Department),
Fort St.George, Chennai - 600 009.
- 2.The Additional Secretary (Technical),
(Presently Dr.S.Kanchanamala),
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- 4.The Joint Director/ Assistant Director (i/c),
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- 5.Hubbathalai Panchayat,
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- 6.The President,
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THE HON'BLE CHIEF JUSTICE
AND
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Pre-delivery order made in
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